

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**KEVIN WILLIAMS,** )  
Plaintiff )  
vs. ) C.A.No. 18-35ERIE  
SUPT. MICHAEL D. OVERMYER, et al, ) Magistrate Judge Baxter  
Defendants. )

## **MEMORANDUM AND ORDER**

Plaintiff has requested to be allowed to proceed in forma pauperis, within a civil rights Complaint submitted to the Clerk on January 29, 2018. Plaintiff has not file a motion seeking leave to proceed in forma pauperis. The law provides that when seeking in forma pauperis status, a plaintiff is required to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). In addition to the aforementioned affidavit, an indigent plaintiff is further required to “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(2). In this case, Plaintiff has failed to comply. Therefore,

**IT IS HEREBY ORDERED** this 5<sup>th</sup> day of February, 2018, that Plaintiff's request for leave to proceed in forma pauperis [contained within ECF No. 1] is **DISMISSED**, and that the Clerk of Court is directed to mark this case **closed**.

**IT IS FURTHER ORDERED** that Plaintiff may reopen the case by paying the \$350.00 filing fee, along with the \$50.00 administrative fee, or submitting another motion for leave to

proceed in forma pauperis along with a certified copy of the inmate account statement for the six (6) months preceding the filing of the complaint.

The parties are allowed fourteen (14) days from this date to appeal this order to a district judge pursuant to Local Rule 72.C.2. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

/s/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States Magistrate Judge